

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HENRY L. SMITH,¹

Plaintiff,

v.

B. ODLE, et al.,

Defendants.

No. 1:24-cv-01422 GSA (PC)

ORDER DIRECTING PLAINTIFF EITHER
TO PAY FILING FEE IN FULL OR FILE
APPLICATION TO PROCEED IN FORMA
PAUPERIS ALONG WITH PRISON TRUST
FUND ACCOUNT STATEMENT

See 28 U.S.C. §§ 1914(a), 1915(a)(1)-(2)

PLAINTIFF SHALL COMPLY WITH THIS
ORDER WITHIN THIRTY DAYS

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. ECF No. 1. Plaintiff has not, however, filed an in forma pauperis affidavit along with his prison trust fund account statement for the six months preceding his filing of the complaint, nor has he paid the required filing fee of \$350.00 plus the \$52.00 administrative fee.²

¹ The Court takes judicial notice of the fact that a comparison of information found on the California Department of Corrections and Rehabilitation's ("CDCR") inmate locator database, with the inmate identification number on Plaintiff's complaint indicates that Plaintiff's middle name is "Lee." Compare ECF No. 1 at 1 (Plaintiff's inmate identification number of BA-0788), with <https://ciris.mt.cdcr.ca.gov/results?lastName=smith&firstName=henry> (input: Last Name: Smith; First Name: Henry, yielding one BA0788 inmate ID number). Therefore, the Clerk of Court will be ordered to update the docket to indicate that Plaintiff is also known as "Henry Lee Smith."

² If leave to file in forma pauperis is granted, plaintiff will still be required to pay the filing fee but will be allowed to pay it in installments. Litigants proceeding in forma pauperis are not

1 See 28 U.S.C. §§ 1914(a), 1915(a)(1)-(2). Plaintiff will be provided the opportunity either to
2 submit the appropriate affidavit and trust account statement in support of a request to proceed in
3 forma pauperis or to submit the required fees, totaling \$402.00.

4 In accordance with the above, IT IS HEREBY ORDERED that:

5 1. The Clerk of the Court shall:

6 a. Add “Henry Lee Smith” as an “also known as” identifier under “Henry L.
7 Smith” in the case caption of the docket, and

8 b. Send Plaintiff an Application to Proceed In Forma Pauperis By a Prisoner, and

9 2. Within thirty days from the date of this order, Plaintiff shall submit an affidavit in
10 support of his request to proceed in forma pauperis on the form provided by the Clerk of Court,
11 along with his six-month prison trust fund account statement, or the required fees in the amount
12 of \$402.00.

13 **Plaintiff is cautioned that failure to comply with this order within the time allotted**
14 **may result in a recommendation that this action be dismissed;**

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17 IT IS SO ORDERED.

18 Dated: November 21, 2024

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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required to pay the \$52.00 administrative fee.